

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.5124 OF 2003

Gaurav Mehra & Anr. .. Petitioners

Vs.

Captain Mr.Jamshed J.Appoo & Ors...Respondents

Mr.R.G.Singh for the petitioners

Miss Angline Rodrigues i/b Mr.Mohan Pungalia for
respondent no.1

Mr.D.A.Patil, A.G.P. for respondent no.3

Mr.A.D.Kango for respondent no.2

CORAM : S.U.KAMDAR, J
DATED : 9TH DECEMBER, 2005

P.C.:

1. The learned counsel for the petitioners does not press the present petition. However, it is clarified that while determining the dispute being case no.397 of 2001 the IInd Co-operative Court at Bombay will determine the same on its own merits and the issue whether there existed a beam or not will be determined by the Co-operative Court at the hearing of the suit. It is further clarified that while deciding the aforesaid issue the Co-operative court will not be influenced by

the orders impugned herein.

2. All the points are kept open to be determined at the final hearing of the petition except the issue of limitation. Petition disposed of accordingly. Stay vacated. Hearing of the dispute pending before the Trial Court is expedited. Co-operative Court is directed to dispose of the main dispute on or before 31.12.2006.